

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

ALAN M. ARNOLD	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 03-1124-CV-W-NKL-P
	)	Crim. No. 02-00059-01-CR-W-NKL
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Pending before the Court is Alan M. Arnold's ("Arnold") Motion to Dismiss for Lack of Jurisdiction [Doc. # 104]. On August 15, 2002, Arnold entered into a plea agreement with the Government in which he agreed to plead guilty to one count of conspiracy to distribute crack cocaine in excess of 5 grams in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846 [Doc. #78]. Arnold now petitions this Court to dismiss all charges for lack of subject matter jurisdiction under the U.S. Supreme Court's decision in *Wickard v. Filburn*, 317 U.S. 111 (1942), because he was not a registrant or recipient of the benefits of a federal program. Exercise of jurisdiction over Arnold was based on his participation in a drug conspiracy, not on his involvement with a federal subsidy program. Because narcotics trafficking represents a type of activity that Congress reasonably found substantially affects interstate commerce, federal jurisdiction is constitutionally proper. See *United States v. Genao*, 79 F.3d 1333 (2d Cir. 1996). Accordingly, Arnold's Motion

to Dismiss for Lack of Jurisdiction [Doc. #104] is DENIED.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: September 24, 2007  
Kansas City, Missouri